IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 43 OF 2006.

Mr. Lamartin do Rocha,
age 79 years, landlord,
residing at House No. 48,
Kitula, Aldona, Bardez,
Goa. ..... Petitioner.

Versus

1. The State of Goa,
   Through the Chief Secretary,
   having his office at
   Secretariat, Porvorim,
   Bardez, Goa.

2. The Inspector General Of Police,
   State of Goa with his office
   at Police Headquarters,
   Panaji, Goa.

3. The Officer in Charge,
   Mapusa Police Station,
   Mapusa, Goa.

4. Sub-Divisional Police
   Officer, Mapusa Police Station,
   Mapusa, Goa. .... Respondents.

Mr. S.D. Lotlikar, Senior Advocate with Mr. Ryan Menezes, Advocate for the Petitioner.

Mrs. W. Coutinho, Government Advocate for the Respondents.

CORAM: S. A. BOBDE &
N. A. BRITTO, JJ.

DATE: 28th March, 2007.

ORAL JUDGMENT: (PER S.A.BOBDE, J.)

Rule. Rule returnable forthwith. Heard by consent.

2. Mrs. Coutinho, learned Government Advocate states that the Mapusa Police have not been able to locate the poclain machine allegedly involved in the offence. Still the only statement forthcoming is that the accused informed the Police that the machine was hired. We are further informed that the charge-sheet is filed.

3. We are not satisfied with the manner in which the investigation is progressing. In fact, the rate of progress of the investigation suggests that the respondents are either not doing it properly or are going slow. This lends credence to the petitioner's apprehension that the investigation will not be carried out property by the Mapusa Police Station.

4. We inquired from the learned Government Advocate about the name of an appropriate investigating agency. The learned Government Advocate stated that the C.I.D., Crime Branch would be able to perform the function. We therefore consider it appropriate to direct that the investigation in respect of the offence in question be handed over to the C.I.D. Crime Branch from the stage at which it is today.

In the circumstances, Rule is disposed of with the above directions.

S. A. BOBDE, J.

N. A. BRITTO, J.

sl.